

EB 5 Processing Times for 2026 and 2027

A comprehensive guide from EB5 Attorneys

The EB 5 visa process from first filing to unconditional permanent residence typically takes four to seven years, depending on the investor's country of chargeability, TEA category, and USCIS workload. I 526E adjudication currently runs 12 to 36 months. Premium processing guarantees a response within 120 business days for \$2,805. Visa bulletin waits vary by country. The conditional period lasts two years, followed by I 829 processing of 12 to 30 months.

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Overview of the EB 5 Timeline

The EB 5 process moves through several distinct phases, each with its own processing window. Understanding realistic timeframes at each stage allows investors to plan their relocation, business affairs, and family transitions. The stages are: (1) project selection and due diligence, (2) I 526E petition preparation and filing, (3) I 526E adjudication, (4) visa bulletin wait (if applicable), (5) consular processing or adjustment of status, (6) conditional residence period, (7) I 829 petition filing and adjudication, and (8) unconditional permanent residence.

No two cases follow identical timelines. An investor from a non backlogged country filing in the rural TEA set aside category may complete the process in roughly four years. An investor from mainland China filing in the unreserved category may face seven or more years. The difference is driven primarily by visa bulletin retrogression and USCIS processing fluctuations.

The timeline estimates in this guide are based on USCIS published processing times, visa bulletin data, and practitioner reports as of April 2026. Processing times shift regularly; investors should verify current figures at uscis.gov and track updates through eb5status.com/processing-times.

Phase 1: Project Selection and Due Diligence

Before any filing occurs, the investor selects an EB 5 project and conducts due diligence on the regional center, the project sponsor, and the investment structure. This phase typically takes four to twelve weeks, though some investors spend several months evaluating multiple opportunities.

During this period, the investor's attorney reviews the private placement memorandum (PPM), subscription agreement, operating agreement, and economic impact analysis. The attorney verifies TEA designation, regional center authorization, and the project's job creation methodology. The investor arranges source of funds documentation, which may involve gathering bank records, tax returns, business valuations, property appraisals, and gift or inheritance documentation spanning several years.

Source of funds preparation is often the most time consuming element of the pre filing phase. Investors with straightforward income histories (salaried professionals, single business owners) may complete documentation in four to six weeks. Investors with complex financial histories (multiple businesses, real estate portfolios, foreign currency conversions, inheritance from multiple sources) may require two to four months. The attorney cannot file the I 526E until the source of funds trail is complete and defensible.

Phase 2: I 526E Petition Filing and Adjudication

The I 526E petition is filed with USCIS along with the \$3,675 filing fee and (optionally) the \$2,805 premium processing fee. As of April 2026, USCIS reports the following processing time ranges for the I 526E:

Standard processing: 12 to 36 months. The wide range reflects variation by service center workload, case complexity, and whether USCIS issues a Request for Evidence (RFE). Cases with clean source of funds documentation and experienced counsel tend toward the lower end. Cases with RFEs, complex financial histories, or novel legal issues trend toward the upper end.

Premium processing: 120 business days (approximately six calendar months). Premium processing guarantees a response from USCIS within 120 business days, but that response may be an approval, a denial, or an RFE. If USCIS issues an RFE under premium processing, the 120 day clock resets once the investor responds. Premium processing became available for I 526E petitions in 2023 and costs \$2,805 as of April 2026.

Investors who elect premium processing should budget for the possibility of an RFE extending the total adjudication period beyond six months. Even with premium processing, an I 526E that receives an RFE may take nine to twelve months from filing to final decision.

Phase 3: Visa Bulletin and Visa Availability

After I 526E approval, the investor must have a visa number available before proceeding to consular processing or adjustment of status. Visa availability is governed by the monthly Visa Bulletin published by the Department of State.

For set aside category investors (rural TEA: 20% of visas, high unemployment TEA: 10%, infrastructure: 2%), visa numbers have remained immediately available since the RIA took effect in March 2022. As of April 2026, all three set aside categories show "current" dates, meaning no wait beyond I 526E approval. This could change if filing volumes exceed set aside allocations, but no retrogression has occurred in any set aside category as of this writing.

For unreserved category investors, visa availability depends on the investor's country of chargeability. As of April 2026, investors from most countries face no backlog in the unreserved category. However, investors from mainland China, India, and Vietnam experience retrogression of varying lengths. Chinese investors in the unreserved category may face waits of several years between I 526E approval and visa number availability. Indian and Vietnamese investors in the unreserved category face shorter but still meaningful waits.

The visa bulletin wait is the single largest variable in the EB 5 timeline and the primary reason investors from backlogged countries favor set aside TEA projects.

Phase 4: Consular Processing or Adjustment of Status

Once a visa number is available, the investor proceeds through one of two pathways to obtain conditional permanent residence.

Consular processing applies to investors who are outside the United States or who prefer to process through a U.S. embassy or consulate. The investor files Form DS 260 through the National Visa Center (NVC), submits civil documents and a medical examination, and attends a visa interview at the designated embassy or consulate. NVC processing typically takes two to six months. The visa interview itself is usually brief if documentation is in order. After visa issuance, the investor enters the United States as a conditional permanent resident. The \$325 DS 260 fee and \$220 USCIS Immigrant Fee apply.

Adjustment of status applies to investors who are already present in the United States in a lawful status (such as H 1B, L 1, F 1, or B 1/B 2). The investor files Form I 485 (\$1,140 filing fee as of April 2026) with USCIS. Processing typically takes six to eighteen months, depending on the service center and case volume. Concurrent filing of I 485 with I 526E is available when a visa number is immediately available, which is the case for set aside category investors. Concurrent filers may also request employment authorization (Form I 765, \$410) and advance parole (Form I 131, \$630) while the I 485 is pending.

Phase 5: Conditional Residence (Two Years)

Upon admission as a conditional permanent resident, the investor and derivative family members receive green cards valid for two years. This conditional period begins on the date of admission (for consular processing) or the date the I 485 is approved (for adjustment of status).

During the two year conditional period, the investor must maintain the EB 5 investment in the new commercial enterprise. The investment capital must remain deployed and the enterprise must continue operating toward the job creation goals established in the I 526E petition. Withdrawing or redeploying the investment capital during this period can jeopardize the I 829 petition.

The conditional period is not a waiting period in the traditional sense. The investor has full permanent resident rights: the ability to live and work anywhere in the United States, travel internationally with a green card, and access most benefits available to permanent residents. The "conditional" label means only that the residency is subject to removal if the investor fails to file the I 829 petition or if USCIS finds that the investment did not satisfy program requirements.

The investor's attorney should maintain contact with the regional center or project sponsor throughout the conditional period to monitor job creation progress and gather documentation needed for the I 829 filing.

Phase 6: I 829 Petition to Remove Conditions

The investor must file Form I 829 during the 90 day window before the two year conditional period expires. The I 829 filing fee is \$3,750 as of April 2026. The petition requires documentation showing that the investment was maintained throughout the conditional period and that the new commercial enterprise created (or is on track to create) the required 10 full time jobs for U.S. workers.

For regional center investors, job creation is demonstrated through an updated economic impact analysis showing indirect and induced jobs resulting from the project's economic activity. For direct investors, job creation is proven through payroll records, W 2 forms, and employment verification for each of the 10 required employees.

I 829 processing times currently range from 12 to 30 months as of April 2026. During this period, the investor's conditional green card is automatically extended in one year increments upon receipt of the I 829 filing. The investor retains full permanent resident rights during the extension.

Upon I 829 approval, USCIS removes the conditions on the investor's residency, and the investor receives an unconditional permanent resident card valid for 10 years. Derivative family members included on the I 829 also receive unconditional cards.

Total Timeline Summary by Scenario

The following estimates assume standard processing without unusual complications. All figures are approximate and based on conditions as of April 2026.

Fastest scenario (rural TEA set aside, non backlogged country, concurrent filing): Due diligence and filing preparation, two to three months. I 526E with premium processing, four to six months. Concurrent I 485, six to twelve months. Conditional period, two years. I 829, twelve to eighteen months. Total: approximately four to four and a half years.

Mid range scenario (high unemployment TEA set aside, non backlogged country, consular processing): Due diligence and filing, two to three months. I 526E standard processing, eighteen to twenty four months. Consular processing, three to six months. Conditional period, two years. I 829, eighteen to twenty four months. Total: approximately five to six years.

Longest scenario (unreserved category, backlogged country, standard processing): Due diligence and filing, three to four months. I 526E standard processing, twenty four to thirty six months. Visa bulletin wait, one to five or more years depending on country. Consular processing, three to six months. Conditional period, two years. I 829, eighteen to thirty months. Total: seven or more years.

Investors should treat these as planning ranges, not guarantees. USCIS processing times fluctuate, visa bulletin movement is unpredictable, and individual case complications (RFEs, project delays, documentation issues) can extend any phase.

Frequently Asked Questions

1. How long does I 526E processing take in 2026?

As of April 2026, USCIS reports I 526E standard processing times of 12 to 36 months. Premium processing guarantees a response within 120 business days (approximately six calendar months) for a fee of \$2,805. A "response" may be an approval, denial, or Request for Evidence. Cases with clean documentation and experienced counsel tend to process faster.

2. What is premium processing for EB 5 and is it worth it?

Premium processing for the I 526E costs \$2,805 and guarantees a USCIS response within 120 business days. It became available in 2023. Whether it is worth the cost depends on the investor's urgency. For investors who need faster certainty to coordinate relocation plans, school enrollment, or business decisions, the fee is generally worthwhile. Note that the guaranteed response may be an RFE rather than an approval, which resets the clock.

3. How long is the EB 5 conditional green card period?

The conditional period lasts exactly two years from the date of admission as a conditional permanent resident. During this period, the investor must maintain the EB 5 investment and the commercial enterprise must continue working toward the required job creation. The investor files Form I 829 during the 90 day window before the conditional period expires. The I 829 filing fee is \$3,750 as of April 2026.

4. What happens if I 829 processing takes longer than expected?

When the investor files the I 829 before the conditional period expires, USCIS automatically extends conditional residence in one year increments while the petition is pending. The investor retains full permanent resident rights during this extension. Current I 829 processing times are 12 to 30 months. Longer processing does not put the investor's status at risk as long as the I 829 was timely filed.

5. Can I speed up the visa bulletin wait?

The visa bulletin is controlled by the Department of State based on visa supply and demand. Individual investors cannot accelerate it. The only strategic option is filing in a set aside category (rural TEA, high unemployment TEA, or infrastructure) where visa numbers have remained immediately available since March 2022. Investors from backlogged countries who filed in the unreserved category cannot switch to a set aside category without filing a new I 526E for a qualifying project.

6. How long does consular processing take after I 526E approval?

Consular processing through the National Visa Center (NVC) and a U.S. embassy or consulate typically takes three to six months from I 526E approval to visa issuance, assuming the investor's priority date is current. The process involves filing Form DS 260, submitting civil documents and a medical examination, and attending a visa interview. Delays can occur if the embassy has a large backlog or if additional administrative processing is required.

Disclaimer: This guide is provided for general informational purposes only and does not constitute legal advice. Every immigration case is unique. Consult a qualified immigration attorney for advice specific to your circumstances.

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